



Paper No. 6

NEEDLE & ROSENBERG, P.C.  
THE CANDLER BUILDING  
SUITE 1200  
127 PEACHTREE STREET, N.E.  
ATLANTA, GA 30303

**COPY MAILED**

**JAN 15 2002**

**OFFICE OF PETITIONS**

In re Application of :  
Robert J. Vermillion :  
Application No. 09/850,368 :  
Filed: May 7, 2001 :  
Attorney Docket No. 1114.0001U1 :

ON PETITION

This is a decision on the papers styled, "Response To Notice Of Incomplete Reply" filed on October 29, 2001, which is being treated as a petition under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of May 7, 2001, including Figures 2C1, 2C11 and 2C111 as described in the specification.

The application was filed on May 7, 2001. However, on July 2, 2001, the Office of Initial Patent Examination (OIPE) mailed a "Notice To File Missing Parts " that stated the application had been accorded a filing date, but Figures 2C1, 2C11 and 2C111 as described in the specification appear to have been omitted. A "Notice of Incomplete Reply (Nonprovisional)" was mailed on August 27, 2001.

In response, on October 29, 2001, the instant petition was submitted. The petition was accompanied by a copy of applicant's postcard receipt that acknowledges receipt of eight (8) sheets of informal drawings on May 7, 2001. The eight (8) sheets of drawings contain Figures 1-5 and sheet 4 of the drawings contained Figures 2C1, 2C11 and 2C111.

Sheet 4 of the eight (8) pages of drawings, containing Figures 2C1, 2C11 and 2C111 as described in the specification, has been located in the application file. Therefore, the application was complete for filing date purposes on filing.

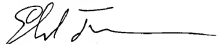
In view of the above, the petition is granted.

The Notice mailed August 27, 2001, was mailed in error and is hereby vacated.

The \$130.00 petition fee submitted on October 29, 2001 will be refunded to deposit account no. 14-0629.

This application will be returned to OIPE for further processing with a filing date of May 7, 2001, using the one sheet of drawings containing Figures 2C1, 2C11 and 2C111 as described in the specification, supplied on that date.

Telephone inquiries concerning this matter may be directed to Petitions Attorney Edward Tannouse at (703) 306-9200.



Edward J. Tannouse  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy



Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy